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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/618,152

07/11/2003

Pierluigi Pugliese

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05/06/2005

AGERE SYSTEMS INC.
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EXAMINER

NGUYEN, KHAI MINH

ART UNIT

PAPER NUMBER

2687

DATE MAILED: 05/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/618,152

Applicant(s)

PUGLIESE, PIERLUIGI

Examiner

Khai M Nguyen

Art Unit

2687

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims **1-6, 8-12, 14-16, 18-21** are rejected under 35 U.S.C. 102(e) as being anticipated by Cronin (U.S.Pub-20030100336).

Regarding claim 1, Cronin teaches a method of reminding for a certain call which should be established (abstract, paragraph 0002, *each event such as a meeting or an appointment may have associated with it multiple attributes such a name, textual information, image and sound files, priority levels, status of acceptance by attendees, among many others*), comprising the step of activating a reminder functionality for indicating in advance at a mobile phone (fig.1, paragraph 0006, 0012-0014), from which said call should be established (paragraph 0012), that said call should be established

(paragraph 0012, *in order for such a device to detect that such an event has occurred, it will in some embodiments compare times stored on the schedule with the clock time read from a software accessible clock*).

Regarding claim 2, Cronin teaches a method of claim 1, wherein the step of activating is based on a programmable time and/or is automatically activated in regularly time intervals (paragraph 0004, 0006).

Regarding claim 3, Cronin teaches a method of claim 1, wherein the step of indicating comprises the indication of the time at which said call should be established (paragraph 0012), and are of the subscriber number and the subscriber name to which said call should be established (paragraph 0012, *in order for such a device to detect that such an event has occurred, it will in some embodiments compare times stored on the schedule with the clock time read from a software accessible clock*).

Regarding claim 4, Cronin teaches a method of claim 1, wherein the step of indication is performed in at least one of an optic and/or acoustic way and/or by means of vibrations (paragraph 0002, 0004).

Regarding claim 5, Cronin teaches a method of claim 1, further characterized in that the call reminder is activated by a remote device designed to communicate with said phone at least a moment prior to or at the time at which said call should be established, especially by means of E-mail and/or SMS (fig.1, paragraph 0002, 0004, 0006).

Regarding claim 6, Cronin teaches a method of claim 1, further characterized in that at least the last time according to which it was tried to carry out a certain call is indicated (fig.1, paragraph 0002, 0004, 0006).

Regarding claim 8, Cronin teaches a method of claim 1, wherein the phone (1) is switched on in response to an activation of said call reminding functionality (paragraph 0016).

Regarding claim 9, Cronin teaches a method of claim 1, wherein the step of establishing said certain call is automatically activated in response to at least one of the step of indicating confirmation by the user (paragraph 0006, 0019).

Regarding claim 10, Cronin teaches a system (fig.1), comprising:

means for establishing a call (fig.1, paragraph 0002-0004), and

means for reminding a user to establish the call (fig.1, paragraph 0002-0004, 0019-0020).

Regarding claim 11, Cronin teaches a system of claim 10, wherein the means for reminding is programmable (paragraph 0012), and adapted to automatically activate the means for indication in regular time intervals (paragraph 0004, 0006).

Regarding claim 12, Cronin teaches a system of claim 10, characterized by a storage associated to the means for reminding (paragraph 0002, 0009), wherein the storage is designed for storing at least one of a reminding time and at least one subscriber number to which a call has to be generated at a determinable time (paragraph 0002, 0009, 0022).

Regarding claim 14, Cronin teaches a system of any of claim 10, wherein the means for establishing a call is incorporated within a mobile phone (fig.1, paragraph 0006, 0012), and the means for reminding at least is partially incorporated within a further electronic device (fig.1, paragraph 0006, 0009), adapted to communicate with the mobile phone, especially, via E-Mail and/or SMS (paragraph 0002-0004).

Regarding claim 15, Cronin teaches a system of claim 10, wherein the means for indication adapted to indicate at least one of the time at which said call should be established (paragraph 0012), the subscriber number and the subscriber name to which said call should be established (paragraph 0012, *in order for such a device to detect that such an event has occurred, it will in some embodiments compare times stored on the schedule with the clock time read from a software accessible clock*).

Regarding claim 16, Cronin teaches a system of claim 10, wherein the means for indication reminding comprises a display, an acoustic indication means designed for signalling a specific tone or melody or voice output and an indication means adapted to generate a vibration of the phone means (paragraph 0002, 0004).

Regarding claim 18, Cronin teaches a system of claim 10, wherein the means for reminding is switching on the means for establishing in case the means for establishing is switched off during a reminding condition (paragraph 0006, 0016-0017).

Regarding claim 19, Cronin teaches a system of claim 10, adapted to indicate at least the last time according to which a certain call was tried to be established (paragraph 0002, 0004, 0006).

Regarding claim 20, Cronin teaches a system of claims 10, wherein the means for reminding is designed to remind in regularly time intervals in response to a call which could not be established (paragraph 0004, 0006).

Regarding claim 21, Cronin teaches a system of any of claims 10, wherein the phone means for establishing a call is automatically activated by the reminding means (paragraph 0006, 0009, 0012).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cronin (U.S.Pub-20030100336) in view of Alexander Elliot et al. (U.S.Pub-20050036588).

Regarding claim 13, Cronin teaches a system of any of claim 10,

Cronin fails to specifically disclose the system is incorporated within a mobile phone adapted to operate on at least one of a GSM-standard and/or a UMTS-standard.

However, Alexander teaches the system is incorporated within a mobile phone adapted to operate on at least one of a GSM-standard and/or a UMTS-standard (paragraph 0036-0037). Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to use the system is incorporated within a mobile phone adapted to operate on at least one of a GSM-standard and/or a UMTS-standard as taught by Alexander with Cronin teaching in order to be made aware in real time of an alarm and take preventive action.

Claims 7, 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cronin (U.S.Pat-6456842) in view of Subramanian et al. (U.S.Pat-20030100336).

Regarding claim 7, Cronin teaches a method of 1,

Cronin fails to specifically disclose an characterized by requesting the user in response to an unsuccessful call attempt, in particular be means of an interactive menu procedure, if said call should be established after a certain time again. However, Subramanian teaches an characterized by requesting the user in response to an unsuccessful call attempt (col.1, line 62 to col.2, line 9), in particular be means of an interactive menu procedure, if said call should be established after a certain time again (abstract, col.1, line 62 to col.2, line 23). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use an characterized by requesting the user in response to an unsuccessful call attempt, in particular be means of an interactive menu procedure, if said call should be established after a certain time

again as taught by Subramanian with Cronin teaching in order to providing a call back on busy feature to mobile subscribers.

Regarding claim 17, Cronin teaches a system of claim 10,

Cronin fails to specifically disclose the reminding means is adapted to request the user in response to a failed call attempt, if the said call should be established after a certain time again. However, Subramanian teaches the reminding means is adapted to request the user in response to a failed call attempt (col.1, line 62 to col.2, line 9), if the said call should be established after a certain time again (abstract, col.1, line 62 to col.2, line 23). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the reminding means is adapted to request the user in response to a failed call attempt, if the said call should be established after a certain time again as taught by Subramanian with Cronin teaching in order to providing a call back on busy feature to mobile subscribers.

Citation of Pertinent Prior Art

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

White et al. (U.S.Pat-5239575) discloses Telephone dial-inbound data acquisition system with demand reading capability.

Beith et al. (U.S.Pat-6321098) discloses System and method for the recording and processing of information in a wireless communication device.

Lidor (U.S.Pat-5373488) discloses telephone alarm.

Daurensan (U.S.Pub-20020160819) discloses Method and a device for signaling a call or message to its addressee.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khai M Nguyen whose telephone number is 571.272.7923. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on 571.272.7922. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Khai Nguyen


ELISEO RAMOS-FELICIANO
PATENT EXAMINER 4/21/05